

Message Text

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ACTION ORM-02

INFO OCT-01 EUR-12 EA-07 IO-13 ISO-00 DHA-02 SSO-00 NSCE-00

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SS-15 /079 W

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FM USMISSION GENEVA

TO SECSTATE WASHDC IMMEDIATE 3991

AMEMBASSY BANGKOK IMMEDIATE

INFO AMEMBASSY KUALA LUMPUR

AMEMBASSY PARIS

AMEMBASSY VIENTIANE

AMCONSUL HONG KONG

CINCPAC HONOLULU

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E.O. 11652: N/A

TAGS: SREF

SUBJ: UNHCR PROTESTS FORCIBLE RETURN OF CAMBODIAN
REFUGEES FROM THAILAND

REF: GENEVA 9534

DEPUTY UNCHR DELEVERED FOLLOWING NOTE TO THAI CHARGE
IN GENEVA THIS DATE (3 DEC 1976):

QUOTE: THE OFFICE OF THE UNITED NATIONS HIGH COMMIS-
SIONER FOR REFUGEES PRESENTS ITS COMPLIMENTS TO THE
PERMANENT MISSION OF THAILAND TO THE UNITED NATIONS
OFFICE AT GENEVA AND HAS THE HONOUR TO REFER TO THE
DISCUSSIONS WHICH THE HIGH COMMISSIONER HAD WITH MR.
CHUAY KANNAWAT, CHARGE D'AFFAIRES, PERMANENT MISSION
OF THAILAND, ON 30 NOVEMBER AND ITS NOTE VERBALE DATED
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30 NOVEMBER 1976.

ACCORDING TO THE RECENT INFORMATION AVAILABLE TO THE OFFICE OF THE HIGH COMMISSIONER, THE FORCIBLE RETURN OF THE 26 DISPLACED PERSONS DID ACTUALLY TAKE PLACE, EVEN THOUGH THESE DISPLACED PERSONS HAD BENEFITED FROM THE ASSISTANCE OF THE OFFICE OF THE HIGH COMMISSIONER DURING THEIR FOUR TO FIVE WEEKS TEMPORARY STAY IN THAILAND, AND IN SPITE OF THE FACT THAT IN THE MEANTIME TWO OF THEM HAD ACTUALLY BEEN ACCEPTED FOR RESETTLEMENT BY FRANCE.

IN THIS CONNECTION, THE OFFICE OF THE HIGH COMMISSIONER WOULD LIKE TO DRAW THE ATTENTION OF THE PERMANENT MISSION OF THAILAND TO THE FOLLOWING:

THE PRINCIPLES GENERALLY RECOGNIZED AND ACCEPTED BY THE INTERNATIONAL COMMUNITY EMBODIED, INTER ALIA, IN ARTICLE 3 OF THE DECLARATION ON TERRITORIAL ASYLUM ADOPTED BY THE GENERAL ASSEMBLY OF THE UNITED NATIONS BY ITS RESOLUTION 2312 (XXII) IN 14 DECEMBER 1967, STIPULATE THAT NO ASYLUM SEEKER MAY BE EXPELLED OR COMPULSORILY RETURNED TO A COUNTRY WHERE HE MAY BE SUBJECTED TO PERSECUTION. THE OFFICE OF THE HIGH COMMISSIONER WISHES, IN ADDITION, TO REFER TO THE JOINT COMMUNIQUE ISSUED IN BANGKOK ON 13 SEPTEMBER 1975 BY THE ROYAL THAI GOVERNMENT AND THE OFFICE OF THE REGIONAL REPRESENTATIVE OF THE HIGH COMMISSIONER WHICH STATES, INTER ALIA, THAT THE ROYAL THAI GOVERNMENT ADHERES TO THE BASIC PRINCIPLES GENERALLY ACCEPTED BY THE INTERNATIONAL COMMUNITY, INCLUDING THE PRINCIPLE OF NON-REFOULEMENT.

THE OFFICE OF THE HIGH COMMISSIONER DEEPLY REGRETS THEREFORE THAT THE ROYAL THAI GOVERNMENT DID NOT ADHERE TO THE GENERALLY RECOGNIZED PRINCIPLE OF NON-REFOULEMENT AND TO THE SPIRIT OF THE JOINT COMMUNIQUE.

THE OFFICE OF THE HIGH COMMISSIONER ALSO DEPLORES THAT IT WAS NOT INFORMED BEFOREHAND OF THE INTENTION OF THE THAI AUTHORITIES TO RETURN THE DISPLACED PERSONS LIMITED OFFICIAL USE

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CONCERNED TO THEIR COUNTRY OF ORIGIN WHICH, OTHERWISE, WOULD HAVE ALLOWED THE OFFICE OF THE HIGH COMMISSIONER TO EXPLORE THE POSSIBILITIES OF A MUTUALLY SATISFACTORY SOLUTION TO THIS MATTER.

THE OFFICE OF THE HIGH COMMISSIONER MUST, THEREFORE, PROTEST TO THE ROYAL THAI GOVERNMENT OVER THE FORCIBLE RETURN OF THE GROUP OF CAMBODIAN DISPLACED PERSONS TO

THEIR FATE; FURTHER, THE OFFICE OF THE HIGH COMMISSIONER
EXPRESSES ITS CONFIDENCE THAT THE ROYAL THAI GOVERNMENT
WILL MAKE THE NECESSARY ARRANGEMENTS TO PREVENT THE
RECURRENCE OF SUCH A TRAGIC EVENT.

THE OFFICE OF THE HIGH COMMISSIONER AVAILS ITSELF
OF THIS OPPORTUNITY TO RENEW TO THE PERMANENT MISSION OF
THAILAND THE ASSURANCES OF ITS HIGHEST CONSIDERATION.
UNQUOTE.CATTO

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